IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9157 OF 2004

M/s.Nevitad Distilleries Pvt. Ltd. ...Petitioner.

Versus

The Commissioner, State Excise & Anr. ...Respondents.

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Mrs.Veena B. Thadani for the Petitioner.

Mr. S.R. Nargolkar AGP for the Respondents.

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CORAM : DR. D.Y. CHANDRACHUD, J.

May 5, 2005.

P.C.:

The order that has been passed by the Commissioner of State Excise on 25th August 2004 Exh.I(1) is an appealable order under Section 137(2) of the Bombay Prohibition Act, 1949. Counsel appearing on behalf of the Petitioner states that the appeal has already been filed. In these circumstances, it would be appropriate and proper to dispose of this petition by relegating the Petitioner to the remedy of the appeal before the State

Government. The Appellate Authority is directed to dispose of the application for the grant of stay on or before 10th June 2005. In the meantime, the ad-interim order that was passed by the Learned Single Judge on 8th November 2004 shall continue to operate until the application for stay is disposed of. The Appellate Authority shall also endeavour to expeditiously dispose of the appeal preferably within a period of eight weeks from today.

The Petition is accordingly disposed of.

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